

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MATTHEW S. BURCAR, et al.,

Plaintiffs,

Case No. 22-cv-12054
Hon. Matthew F. Leitman

v.

DECORATIVE PANELS
INTERNATIONAL, INC.,

Defendant.

FINAL ORDER AND JUDGMENT
APPROVING CLASS ACTION SETTLEMENT

In the Preliminary Approval Order dated December 5, 2024, this Court scheduled a Fairness Hearing for March 5, 2024 at 1:30 p.m. to determine: (a) whether the proposed settlement between Plaintiffs Matt Burcar and John Burek, individually and on behalf of each member of the Settlement Class, and Defendant Decorative Panels Int'l, Inc, on the terms and conditions set forth in the Class Action Settlement and Release Agreement (the "Agreement")¹ is fair, reasonable and adequate, and (b) whether to enter a Final Order and Judgment Approving Class Action Settlement (a proposed form of which was attached as Exhibit B to the Agreement). Through the Preliminary Approval Order, the Court also ordered that

¹ Capitalized terms used herein but not defined shall have the meanings ascribed to them in the Agreement.

the Class Notice (Exhibit C to the Agreement) be mailed to the Class in accordance with the terms of the Settlement Agreement.

The Fairness Hearing on the Agreement was duly held before this Court at which time all interested persons were afforded an opportunity to be heard. This Court has duly considered all submissions and arguments presented on the proposed settlement, including any objections or arguments against the settlement.

NOW, THEREFORE, THIS COURT FINDS, CONCLUDES, ADJUDGES AND DECREES THAT:

1. The Court has jurisdiction over the parties, all Settlement Class Members and the subject matter of this litigation. The Class Action Settlement Agreement and Release (including exhibits) is hereby incorporated by reference in this Order.

2. For purposes of implementation of this settlement and in accordance with the Settlement Agreement, the Court finally certifies the Settlement Class pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3), defined as all owner-occupants and renters of residential property, at any point in the Class Period (1) whose property is located within one mile of the Defendant's Facility's property boundary; or (2) who submitted a "Resident Data Sheet" to Plaintiffs' Counsel who do not affirmatively opt out of the Settlement Agreement (See Exhibit 1 – List of Persons Opting Out of Class Action Settlement). The Court finds that the Settlement

Class as defined is ascertainable, and satisfies the requirements of numerosity, commonality, typicality and adequacy of representation. The Court further finds that the proposed settlement satisfies the predominance and superiority requirements of Rule 23(b)(3).

3. The settlement reached between Plaintiffs Matt Burcar and John Burek, individually and on behalf of each member of the Settlement Class, and Defendant Decorative Panels Int'l, Inc., on the terms and conditions set forth in the Agreement, is fair, reasonable, adequate, in the best interests of the Settlement Class, and is hereby approved.

4. Plaintiffs Matt Burcar and John Burek and Class Counsel, Steven D. Liddle, and the law firm of Liddle Sheets Coulson P.C., have fairly and adequately represented the interests of the Settlement Class in this matter and in its resolution. The Court hereby confirms their appointment as Class Counsel and Class Representative.

5. This Order and Judgment is binding upon Plaintiffs Matt Burcar and John Burek, the Settlement Class, and the Defendant. The agreement between the Parties to settle this case shall be consummated in accordance with the terms and conditions of the Agreement. The parties and Administrator are directed to carry out their obligations under the Agreement.

6. The Class Notice served on the Settlement Class following entry of the Preliminary Approval Order constituted the best notice practical under the circumstances and is in compliance with the notice requirements of due process and Fed R. Civ. P. 23.

7. The notice served on the appropriate Federal and State officials within ten days of filing the motion for preliminary approval is in full compliance with the provisions set forth in the Class Action Fairness Act, 28 U.S.C, § 1715, as confirmed by the declaration filed by the Defendant. This order is being entered more than 90 days after issuance of that notice.

8. In approving this settlement, the Court gave due consideration to any objections, submissions and arguments presented against the proposed settlement, but the Court ultimately deems this settlement to be fair, reasonable, adequate, in the best interests of the Settlement Class. The Court has carefully considered all of the factors set forth in Fed. R. Civ. P. 23(e)(2).

9. Upon the Final Settlement Approval, Plaintiffs Matt Burcar and John Burek and the Settlement Class are (i) deemed to have released the claims within the scope of the Released Claims as defined in the Settlement and Release Agreement, and (ii) permanently enjoined from continuing to prosecute, or otherwise initiating, claims within the scope of the Released Claims.

10. The Court finds that Class Counsel is entitled to attorneys' fees in the amount of \$265,000 from the Settlement Fund as specified in the Settlement and Release Agreement, and that Class Counsel is additionally entitled to reimbursement from the Settlement Fund for litigation costs and expenses reasonably incurred in connection with the Action in the amount not to exceed \$40,000 as specified in the Settlement and Release Agreement. The Court awards an incentive award to each Plaintiff in the amount of \$1,500, to be paid from the Settlement Fund in accordance with the Settlement Agreement.

11. All of the claims asserted in this lawsuit by Plaintiffs Matt Burcar and John Burek, individually and on behalf of the Settlement Class, are dismissed with prejudice, each party to bear its own costs.

12. This Court retains jurisdiction over all matters relating to the modification, interpretation, administration, implementation, effectuation and enforcement of the Settlement Agreement and this Order.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 8, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126